IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

_____

|  |  |  |
|---|---|---|
| | : | |
| MARK BREAKIRON, | : | |
| | : | |
| Petitioner, | : | |
| | : | CIVIL ACTION |
| v. | : | |
| | : | No. 00 - 300 |
| MARTIN HORN, Commissioner, | : | |
| Pennsylvania Department of Corrections; | : | Judge Hardiman |
| CONNOR BLAINE, Superintendent of the | : | |
| State Correctional Institution at Greene, and | : | **THIS IS A CAPITAL CASE**. |
| JOSEPH P. MAZURKIEWICZ, | : | |
| Superintendent of the State Correctional | : | |
| Institution at Rockview, | : | |
| | : | |
| Respondents. | : | |

_____

**PETITION FOR WRIT OF HABEAS CORPUS
AD TESTIFICANDUM PURSUANT TO 28 U.S.C. § 2241**

**AND NOW** comes the Petitioner, Mark Breakiron, by his attorney, Tricia Russell, and

files this Petition for Writ of Habeas Corpus Ad Testificandum pursuant to Title 28 U.S.C.,

§2241, and requests that an Order be issued to the Superintendent of State Correction Institution

Greensburg, at Greensburg, Pennsylvania, or prison officials at his direction, and to the United

States Marshal commanding them to produce the body of **Chris Owen Miller** (DOC # AJ 1683),

to testify as a fact witness at the evidentiary hearing of Mark Breakiron, before the Honorable

Thomas M. Hardiman, United States District Court for the Western District of Pennsylvania,

Seventh and Grant Streets, Pittsburgh, Pennsylvania, 15219, on **Thursday and Friday,**

**February 1 and 2, 2007 at 9:00 a.m.**

**IT IS FURTHER REQUESTED** the costs associated with this transfer be borne by the

Government as Petitioner has been declared indigent and granted *in forma pauperis* status by this

Court.

DATED:   January 8, 2007

Respectfully submitted,

*/s/ Tricia A. Russell*
TRICIA A. RUSSELL
Staff Attorney
LISA B. FREELAND
Federal Public Defender
Capital Habeas Corpus Unit
1450 Liberty Center
1001 Liberty Avenue
Pittsburgh, PA 15222-3714
(412) 644-6565

STUART B. LEV
Assistant Federal Defender
MAUREEN KEARNEY ROWLEY
Chief Federal Defender
Federal Community Defender Office
for the Eastern District of Pennsylvania
Capital Habeas Corpus Unit
The Curtis Center, Suite 545 W
Independence Square West
Philadelphia, PA 19106
(215) 928-0520